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2000 NOV -9 A 11: 28
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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ELECTRONIC FRONTIER FOUNDATION and
FRED VON LOHMANN

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

JSW

CV 10 80 276MISC

In re Subpoenas to Electronic Frontier
Foundation and Fred von Lohmann

Case No. _____
[Related to *Arista Records v. Lime Wire LLC*,
No. 06-5936 (KMW) (S.D.N.Y.)]

**SCHERB DECLARATION SUPPORTING
STIPULATION TO SET EXPEDITED
BRIEFING AND HEARING SCHEDULE
ON MOVANTS' EXPEDITED MOTION
TO QUASH SUBPOENAS**

[Local Civil Rule 6-2]

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I, Matthew Scherb, declare pursuant to 28 U.S.C. § 1746 under penalty of perjury that the following is true and correct:

1. I am an attorney with the law firm of Winston & Strawn LLP, counsel of record for Movants.

2. Plaintiffs in *Arista Records LLC v. Lime Group LLC*, No. 06-5936 (S.D.N.Y.) served subpoenas on the Electronic Frontier Foundation and Fred von Lohman (the "Movants"). The subpoenas originally sought depositions and production of documents on November 12, 2010. Discovery in the Southern District action currently closes on November 25, 2010, subject to a reported pending request by Defendants to extend discovery.


3. Movants and Plaintiffs have conferred about the subpoenas. Movants determined they needed to file a motion to quash. Movants and Plaintiffs have agreed on an alternate deposition date of November 23, 2010 and an expedited briefing schedule and hearing date that would facilitate resolution of Movants' motion to quash ahead of the agreed deposition date and discovery cut-off date.

4. Movants and plaintiffs agreed that:

- a) Movants have until Monday, November 8, 2010 to serve by email the expedited motion to quash;
- b) Plaintiffs have until Friday, November 12, 2010 to serve by email any opposition;
- c) Movants have until Tuesday, November 16, 2010 to serve by email any reply;
- d) A hearing on the motion shall be set for any time convenient for the Court on November 19, 2010.

5. There has been no previous time modification in this matter and the changes should not have any adverse effects on the case schedule.

Executed November 8, 2010.


Matthew A. Scherb